

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

GUANGHUA ZHU	:	
10440 Deerwood Road	:	USDC - CIVIL ACTION
Houston, TX 77042	:	
	:	
v.	:	
	:	NO.: 21-CV-1131
RAISER, LLC	:	
c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
and	:	
UBER TECHNOLOGIES, INC.	:	
c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
and	:	
ISAM ELBAROUKI	:	
1230 Fitzgerald Street	:	
Philadelphia, PA 19148	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, upon consideration of the uncontested Motion of Defendants, Rasier, LLC and Uber Technologies, Inc., to Remand this case to the Philadelphia Court of Common Pleas, it is hereby ORDERED that the Motion is GRANTED and this matter is REMANDED to the Philadelphia County Court of Common Pleas from which it was removed.

BY THE COURT

\_\_\_\_\_  
J.

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

GUANGHUA ZHU	:	
10440 Deerwood Road	:	USDC - CIVIL ACTION
Houston, TX 77042	:	
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c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
and	:	
ISAM ELBAROUKI	:	
1230 Fitzgerald Street	:	
Philadelphia, PA 19148	:	

**UNCONTESTED MOTION TO REMAND OF DEFENDANTS,  
RASIER, LLC AND UBER TECHNOLOGIES, INC.**

Defendants, Rasier, LLC (incorrectly identified as “Raiser, LLC”) and Uber Technologies, Inc., (“Moving Defendants”) by and through their undersigned counsel, Vaughan Baio & Partners, hereby file this Uncontested Motion to Remand pursuant to 28 U.S.C. Section 1447, averring as follows:

1. On March 9, 2021, Moving Defendants filed a Notice of Removal removing this case from the Philadelphia County Court of Common Pleas to this Honorable Court based on diversity jurisdiction pursuant to 28 U.S.C. § 1446(a). A true and correct copy of the Notice of Removal is attached hereto as Exhibit “A.”

2. At the time of the filing of the Notice of Removal, Moving Defendants had no information or knowledge that resident defendant, Isam Elbarouki, had been served with Plaintiff’s Complaint. On the contrary, reasonable investigation suggested that he had not been served.

3. On March 17, 2021, Plaintiff's counsel filed an Affidavit of Service in the Philadelphia County Court of Common Pleas confirming that Defendant Elbarouki had been properly served with the Complaint earlier in the day on March 9, 2021, prior to the filing of the Notice of Removal.

4. Accordingly, Moving Defendants, with the agreement of all counsel, files the within Uncontested Motion to Remand this case back to the Philadelphia County Court of Common Pleas from which it was removed, as it now appears that this action was not removable due to prior service on Defendant Elbarouki.

**WHEREFORE**, based upon the foregoing, Defendants, Rasier, LLC and Uber Technologies, Inc., respectfully request that this Honorable Court enter the proposed Order attached hereto and remand this case to the Philadelphia County Court of Common Pleas.

Respectfully submitted,

**VAUGHAN BAIO & PARTNERS**

By:



Date: March 19, 2021

---

Paul J. Nordeman, Esquire  
Attorney for Defendants,  
Rasier, LLC and Uber  
Technologies, Inc.  
Attorney I.D. No.: 317308  
Two Logan Square  
100 N. 18<sup>th</sup> Street, Suite 700  
Philadelphia, PA19103  
T: 215-569-2400 F: 215-665-8300  
[pnordeman@vaughanbaio.com](mailto:pnordeman@vaughanbaio.com)

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing Uncontested Motion to Remand was electronically filed and served on all counsel of record via the Court's Electronic Filing System and/or on unrepresented party by way of electronic mail or U.S. Mail, postage pre-paid on March 19, 2021.

Respectfully submitted,

**VAUGHAN BAIO & PARTNERS**

BY: 

Paul J. Nordeman, Esquire  
Attorney for Defendants,  
Rasier, LLC and Uber  
Technologies, Inc.  
Attorney I.D. No.: 317308  
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[pnordeman@vaughanbaio.com](mailto:pnordeman@vaughanbaio.com)

**EXHIBIT “A”**

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

GUANGHUA ZHU	:	
10440 Deerwood Road	:	COURT OF COMMON PLEAS
Houston, TX 77042	:	PHILADELPHIA COUNTY
	:	
v.	:	FEBRUARY TERM, 2021
	:	NO. 01109
	:	
RAISER, LLC	:	
c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
and	:	USDC - CIVIL ACTION
UBER TECHNOLOGIES, INC.	:	NO.: <u>21-CV-1131</u>
c/o CT Corporation System	:	
600 North 2 <sup>nd</sup> Street, Suite 400	:	
Harrisburg, PA 17101	:	
and	:	
ISAM ELBAROUKI	:	
1230 Fitzgerald Street	:	
Philadelphia, PA 19148	:	

**NOTICE OF REMOVAL**

TO THE CLERK OF COURTS:

Defendants, Rasier, LLC (incorrectly identified as “Raiser, LLC”) and Uber Technologies, Inc., (“Moving Defendants”) by and through their undersigned counsel, Vaughan Baio & Partners, hereby file this Notice of Removal pursuant to 28 U.S.C. § 1446(a), averring as follows:

1. On February 11, 2021, Plaintiff, Guanhua Zhu, filed a Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania which was docketed as February Term, 2021, Civil Action No. 01109 (“State Court Action”) against Moving Defendants and Isam Elbarouki. *A true and correct copy of Plaintiff’s Complaint is attached hereto as Exhibit “A.”*

2. Plaintiff seeks damages for injuries allegedly sustained as a result of a motor vehicle accident which occurred on or about February 12, 2019, at or near mile marker 3.9 of Interstate 295 in Middletown, Pennsylvania. *See Exhibit “A” at ¶ 5.*

3. Plaintiff alleges that as a result of the subject accident she sustained “severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of her body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused her great physical pain and mental anguish, with respect to the following, including but not limited to: fracture of lower end of right radius, distal radial fracture of right wrist, right wrist ulnocarpal impaction, impingement syndrome of right shoulder, stiffness of right wrist, stiffness in right shoulder, pain in right shoulder, complex regional pain syndrome of right upper limb, acromioclavicular osteoarthritis of the right shoulder, degenerative changes of the right acromioclavicular joint, trace fluid in the subacromial subdeltoid bursa consistent with minimal bursitis, frozen right shoulder, internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, severe shock to her entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff’s bodily functioning that substantially impairs Plaintiff’s ability to perform her daily life activities, and the full extent of which is not yet known.” Exhibit “A” at ¶ 10.

4. Plaintiff seeks damages in excess of the state court arbitration limit of fifty thousand dollars. *See* Exhibit “A” at “Wherefore Clause”.

5. Plaintiff alleges she resides at 10440 Deerwood Road, Houston, Texas, 77042. Plaintiff is therefore a citizen of the State of Texas. *See* Exhibit “A” at ¶ 1.

6. Defendant, Rasier, LLC (incorrectly identified as “Raiser, LLC), is a Delaware limited liability company with a principal place of business in California and is therefore a citizen of the States of Delaware and California.

7. Defendant, Uber Technologies, Inc., is a Delaware corporation with a principal place of business in California and is therefore a citizen of the States of Delaware and California.

8. Defendant, Isam Elbarouki, has not yet been served with process in the State Court Action.

9. Based on the allegations of the Complaint, it is believed and therefore averred that the amount in controversy exceeds the jurisdictional limits for removal of Seventy-Five Thousand Dollars (\$75,000) as required by 28 U.S.C. §1332(a). Specifically, Plaintiff alleges she sustained severe, permanent and disabling injuries to her right wrist, arm and shoulder as set forth more fully in her Complaint and demands judgment against Defendants in an amount in excess of the State Court limit for arbitration matters of Fifty Thousand Dollars (\$50,000.00).

10. Removal is therefore based upon diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff and Moving Defendants are citizens of different States and the amount in controversy, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000).

11. Pursuant to 28 U.S.C. § 1441(a), venue is proper in the United States District Court for the Eastern District of Pennsylvania for purposes of removal because the pending State Court Action was filed within the District and the Complaint alleges that the incident occurred within the District.

12. This Notice of Removal is timely filed pursuant to 28 U.S.C. Section 1446(b) in that it is being filed within thirty (30) days after service of Plaintiff's Complaint on Moving Defendants.

13. By filing this Notice of Removal, Moving Defendants do not intend to waive their right to petition this Court to enforce any arbitration agreement between them and Plaintiff if Plaintiff does not voluntarily agree to do so.



**WHEREFORE**, based upon the foregoing, Defendants, Rasier, LLC and Uber Technologies, Inc., hereby remove this action from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

**VAUGHAN BAIO & PARTNERS**

By:



Date: March 9, 2021

---

Paul J. Nordeman, Esquire  
Attorney for Defendants,  
Rasier, LLC and Uber  
Technologies, Inc.  
Attorney I.D. No.: 317308  
Two Logan Square  
100 N. 18<sup>th</sup> Street, Suite 700  
Philadelphia, PA19103  
T: 215-569-2400 F: 215-665-8300  
[pnordeman@vaughanbaio.com](mailto:pnordeman@vaughanbaio.com)

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing Notice of Removal was electronically filed and served on all counsel of record via the Court's Electronic Filing System and/or on unrepresented party by way of electronic mail or U.S. Mail, postage pre-paid on March 9, 2021.

Respectfully submitted,

**VAUGHAN BAIO & PARTNERS**

BY: /s/ Paul J. Nordeman

Paul J. Nordeman, Esquire  
Attorney for Defendants,  
Rasier, LLC and Uber  
Technologies, Inc.  
Attorney I.D. No.: 317308  
Two Logan Square  
100 N. 18<sup>th</sup> Street, Suite 700  
Philadelphia, PA19103  
T: 215-569-2400 F: 215-665-8300  
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## **EXHIBIT “A”**

Court of Common Pleas of Philadelphia County  
Trial Division

# Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
<b>FEBRUARY 2021</b>	<b>001109</b>
Filing Number: 2102022286	

PLAINTIFF'S NAME GUANGHUA ZHU		DEFENDANT'S NAME UBER TECHNOLOGIES, INC., ALIAS: C/O CT CORPORATION SYSTEM	
PLAINTIFF'S ADDRESS 10440 DEERWOOD ROAD HOUSTON TX 77042		DEFENDANT'S ADDRESS 600 NORTH 2ND STREET SUITE 400 HARRISBURG PA 17101	
PLAINTIFF'S NAME		DEFENDANT'S NAME RAISER, LLC, ALIAS: C/O CT CORPORATION SYSTEM	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 600 NORTH 2ND STREET SUITE 400 HARRISBURG PA 17101	
PLAINTIFF'S NAME		DEFENDANT'S NAME ISAM ELBAROUKI	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1230 FITZGERALD STREET PHILADELPHIA PA 19148	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition Action <input type="checkbox"/> Transfer From Other Jurisdictions <input type="checkbox"/> Notice of Appeal	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Other: <input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input type="checkbox"/> Commerce <input checked="" type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>GUANGHUA ZHU</u> Papers may be served at the address set forth below.		FILED PRO PROTHY FEB 11 2021 G. IMPERATO	
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY SETH A. BRITTEN		ADDRESS COOPER SCHALL & LEVY 2000 MARKET ST SUITE 1400 PHILADELPHIA PA 19103	
PHONE NUMBER (215) 561-3313	FAX NUMBER (215) 246-0693	E-MAIL ADDRESS sbritten@cslattorneys.com	
SUPREME COURT IDENTIFICATION NO. 321513		DATE SUBMITTED Thursday, February 11, 2021, 03:59 pm	
SIGNATURE OF FILING ATTORNEY OR PARTY SETH BRITTEN			

**COOPER SCHALL & LEVY**

By: Charles S. Cooper, Esquire  
Atty. I.D. # 46568

By: Seth A. Britten, Esquire  
Atty. I.D. # 321513

2000 Market Street

Suite 1400

Philadelphia, PA 19103

(215)561-3313

Filed and Assisted by the  
Office of Judicial Records  
Attorneys for Plaintiff 1



**GUANGHUA ZHU**

10440 Deerwood Road

Houston, TX 77042

**Plaintiff**

**v.**

**RAISER, LLC**

c/o CT Corporation System

600 North 2<sup>nd</sup> Street, Suite 400

Harrisburg, PA 17101

**UBER TECHNOLOGIES, INC.**

c/o CT Corporation System

600 North 2<sup>nd</sup> Street, Suite 400

Harrisburg, PA 17101

**And**

**ISAM ELBAROUKI**

1230 Fitzgerald Street

Philadelphia, PA 19148

**Defendants**

**COURT OF COMMON PLEAS**

**PHILADELPHIA COUNTY**

**FEBRUARY TERM 2021**

**NO.**

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint & Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA COUNTY BAR ASSOCIATION  
Lawyer Referral & Information Service  
One Reading Center, 1101 Market Streets  
Philadelphia, Pennsylvania 19107  
(215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias deplazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de s persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder u otros derechos importantes para usted.

LLEVE ESTAS DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUESTRA ESCRITA ABAJO PARA ASEGURAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFA  
Servicio De Referencia E Informacion Legal  
One Reading Center, 1101 Market Streets  
Filadelfia, Pennsylvania 19107  
(215) 238-1701

**COOPER SCHALL & LEVY**

By: Charles S. Cooper, Esquire

Atty. I.D. # 46568

By: Seth A. Britten, Esquire

Atty. I.D. # 321513

2000 Market Street

Suite 1400

Philadelphia, PA 19103

(215)561-3313

**Attorneys for Plaintiff**

**GUANGHUA ZHU**

10440 Deerwood Road

Houston, TX 77042

**Plaintiff**

**v.**

**RAISER, LLC**

c/o CT Corporation System

600 North 2<sup>nd</sup> Street, Suite 400

Harrisburg, PA 17101

**UBER TECHNOLOGIES, INC.**

c/o CT Corporation System

600 North 2<sup>nd</sup> Street, Suite 400

Harrisburg, PA 17101

**And**

**ISAM ELBAROUKI**

1230 Fitzgerald Street

Philadelphia, PA 19148

**Defendants**

**COURT OF COMMON PLEAS**

**PHILADELPHIA COUNTY**

**FEBRUARY TERM 2021**

**NO.**

**CIVIL ACTION COMPLAINT**  
**NEGLIGENCE – MOTOR VEHICLE ACCIDENT**

1. Plaintiff, Guanghua Zhu, is an adult individual residing at the above-captioned address.
2. Defendant, Raiser, LLC, is a limited liability company, organized and existing under the laws of the State of Delaware, and doing business under the laws of the

Commonwealth of Pennsylvania, with an address for service of process located at the above captioned address.

3. Defendant, Uber Technologies, LLC (hereinafter referred to at times as “Uber”), is a limited liability company, organized and existing under the laws of the State of Delaware, and doing business under the laws of the Commonwealth of Pennsylvania, with an address for service of process located at the above captioned address.

4. Defendant, Isam Elbarouki, is an adult individual residing at the above-captioned address.

5. On or about February 12, 2019, Plaintiff was a passenger in a vehicle owned and operated by Defendant, Isam Elbarouki, who was operating as an agent and/or work person of Defendants, Raiser LLC and Uber when, while traveling in the left eastbound lane of Interstate 295 at or near mile marker 3.9, Borough of Middletown, County of Bucks, Commonwealth of Pennsylvania, Defendant Elbarouki, who was driving at a speed too fast for the weather conditions, lost control of his vehicle and traveled off the roadway, striking an embankment on his right, which redirected Defendants’ vehicle towards a concrete bridge abutment, which Defendants’ vehicle violently collided with, resulting in the vehicle flipping onto its roof, and causing severe and permanent injury to Plaintiff, as is set forth more fully at length below.

6 At all relevant times hereto, Defendants acted by and through their agents, work persons, employees and/or servants then and there acting within the course and scope of their authority, duties and/or employment for Defendants.

7. This accident was caused solely from the negligence, carelessness, and/or recklessness of Defendants and was in no manner whatsoever due to any act of negligence on the part of Plaintiff.



**COUNT I – NEGLIGENCE**  
**ZHU v. DEFENDANTS**

8. Plaintiff hereby incorporates Paragraphs 1-7 as if same were set forth at length herein.

9. The negligence, careless, and/or recklessness of Defendants, herein consisted of any and all of the following:

- (a) failure to properly operate said vehicle;
- (b) failure to remain in a single lane;
- (c) failure to apply his breaks sufficiently in time to avoid an accident;
- (d) failure to properly calculate distance of embankment and/or abutment with respect to his vehicle;
- (e) failure to drive at a reasonable speed;
- (f) failure to remain in control of his vehicle;
- (g) failure to use all prudent and necessary care for vehicular travel under the circumstances;  
failure to appreciate the dangerous weather conditions and drive carefully in light of same;  
failure to take reasonable precautions given the dangerous weather conditions;
- (h) violating applicable ordinances and codes for the Commonwealth of Pennsylvania and such other statutes and case law governing the operation of motor vehicles on the streets and highways; and
- (i) such other acts of negligence, carelessness, and/or recklessness as may be adduced through discovery or at trial.

10. Due to all foregoing, Plaintiff suffered severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of her body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused her great physical pain and mental anguish, with respect to the following, including but not limited to: fracture of lower end of right radius, distal radial fracture of right wrist, right wrist ulnocarpal impaction, impingement syndrome of right shoulder, stiffness of right wrist, stiffness in right shoulder, pain in right shoulder, complex regional pain syndrome of right upper limb, acromioclavicular osteoarthritis of the right shoulder, degenerative changes of the right

acromioclavicular joint, trace fluid in the subacromial subdeltoid bursa consistent with minimal bursitis, frozen right shoulder, internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, severe shock to her entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff's bodily functioning that substantially impairs Plaintiff's ability to perform her daily life activities, and the full extent of which is not yet known.

11. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment, and she will continue to suffer same for an indefinite period of time in the future.

12. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid accident and will otherwise incur various expenditures for the injuries she has suffered.

13. Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries she sustained in this accident.

14. As a further result of the said accident, Plaintiff has been unable to attend to her daily chores, duties, and occupations, and she will be unable to do so for an indefinite time in the future, all to her great financial detriment and loss.

15. As a further result of the said accident, Plaintiff has and will suffer severe loss of her earnings and/or impairment of her earning capacity.

**WHEREFORE**, Plaintiff, Guanghua Zhu, demands judgment against Defendants, Raiser LLC, Uber and Isam Elbarouki, for damages, together with interest and cost of suit.

COOPER SCHALL & LEVY

*/s/ Seth A. Britten*

---

CHARLES S. COOPER, ESQUIRE  
SETH A. BRITTEN, ESQUIRE  
Attorneys for Plaintiff

Dated: February 11, 2021

**VERIFICATION**

I hereby verify that I am counsel for the Plaintiff in the within action and that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and that the foregoing Verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

*/s/ Seth A. Britten*

---

CHARLES S. COOPER, ESQUIRE  
SETH A. BRITTEN, ESQUIRE  
Attorney for Plaintiff

Dated: February 11, 2021

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ excess of

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

/s/ Paul J. Nordeman Paul J. Nordeman

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: \_\_\_\_\_

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ **is** / ☐ **is not** related to any case now pending or within one year previously terminated action in this court except as noted above.

*/s/ Paul J. Nordeman*

DATE: \_\_\_\_\_ Must sign here \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
  - ☐ 2. FELA
  - ☐ 3. Jones Act-Personal Injury
  - ☐ 4. Antitrust
  - ☐ 5. Patent
  - ☐ 6. Labor-Management Relations
  - ☐ 7. Civil Rights
  - ☐ 8. Habeas Corpus
  - ☐ 9. Securities Act(s) Cases
  - ☐ 10. Social Security Review Cases
  - ☐ 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
  - ☐ 2. Airplane Personal Injury
  - ☐ 3. Assault, Defamation
  - ☐ 4. Marine Personal Injury
  - ☐ 5. Motor Vehicle Personal Injury
  - ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
  - ☐ 7. Products Liability
  - ☐ 8. Products Liability – Asbestos
  - ☐ 9. All other Diversity Cases
- (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

*/s/ Paul J. Nordeman*

DATE: \_\_\_\_\_ Sign here if applicable \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

GUANGHUA ZHU

10440 Deerwood Road

Houston, TX 77042

V.

RAISER, LLC

c/o CT Corporation System

600 North 2<sup>nd</sup> Street, Suite 400

Harrisburg, PA 17101

and

UBER TECHNOLOGIES, INC.

c/o CT Corporation System

600 North 2<sup>nd</sup> Street, Suite 400

Harrisburg, PA 17101

and

ISAM ELBAROUKI

1230 Fitzgerald Street

Philadelphia, PA 19148

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

FEBRUARY TERM, 2021

NO. 01109

USDC - CIVIL ACTION

NO.: **21-CV-1131**

## CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management ( )



by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

March 9, 2021

Date

Attorney-at-law



Paul J. Nordeman, Esquire

Attorney for Defendants,

Rasier, LLC and Uber Technologies, Inc.

215-569-2400

Telephone

215-665-8300

Fax Number

[pnordeman@vaughanbaio.com](mailto:pnordeman@vaughanbaio.com)

E-Mail Address

**Civil Justice Expense and Delay Reduction Plan  
Section 1:03 - Assignment to a Management Track**

(a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.

(b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

(c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.

(d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.

(e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS  
(See §1.02 (e) Management Track Definitions of the  
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.